

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input checked="" type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 05/12/2015	NEED RESPONSE BY: ASAP due to Hearing
2. REQUESTOR NAME:	6. COUNTY/ORGANIZATION: Mendocino County	
3. PHONE NO.:	7. SUBJECT: OP/OI NOA regulation requirements	
4. REGULATION CITE(S): MPP 22-001	8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s). ACIN I-151-82, ACIN I-02-14	

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

What regulations should be cited on notices of action (NOAs) when an overissuance (for CF) is taken? Is it sufficient to rely on a Turner-compliant "Here's Why" statement in the amendable box, coupled with the regulations that cite the county's right to collect an over issuance on the bottom of the NOA enough or must the county cite the regulation that caused the over issuance/ over payment to begin with?

Example: An overissuance is calculated for a duplicate aid payment that was County error. A NOA is sent out which states "Here's Why: You received duplicate aid for the month(s) of July, 2014 in error." The regulations at the bottom of the NOA cite "Rules: These rules apply: MPP 63-801.22, 63-801.43, 63-801.7, Lomeli v. Saenz and Duarte v. Saenz. You may review them at your welfare office." The NOA does not cite the regulation for duplicate aid payment.

10. REQUESTOR'S PROPOSED ANSWER:

A NOA should have the reason for the overissuance cited on the notice in order for it to be adequate. Simply stating the cause in the NOA in Turnerized language is insufficient- it must also point the customer to the basis in law which supports the inciting action as well as the present action- the overissuance and the county's right to collect.

MPP 22-001 states, in part, that Adequate Notice includes the reason for the action the county intends to take, reasons for the intended action and specific regulations supporting the action. ACIN I -151-82 goes further to clarify that "filling in appropriate blanks and checking appropriate boxes on a notice of action form will not assure that the notice is adequate" and that the notice must show the rule in question being applied. Additionally, ACIN I-02-14 reminds us via a checklist of how to appropriately cite the rule in question and prompts us to state the reason for the action given and the basis in state regulation described as well as cited.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Per MPP 63-801.431(a), a NOA for an overissuance must include, "The amount owed, the type (IPV, IHE, or AE) and reason for the claim, the period of time the claim covers, how the claim was calculated, any offsetting that was done to reduce the claim, how the household or its sponsor may pay the claim, the household's or the sponsor's right to a state hearing if the household or the sponsor disagrees with the amount of the claim, and that the household has 90 days to request a fair hearing." In addition ACL 11-26 states that the NOA "must explain the specific reason(s) for the O/I, and provide sufficient detail to allow the household to determine if any "incorrect" information was used in the O/I determination." MPP 36-501.211 states that "All notices of action [for CalFresh] shall contain the information necessary to be considered adequate..." The State Hearing's regulations at MPP 22-001(a)(1) states that an "adequate notice" includes "the specific regulations supporting such action". Therefore the NOA must contain the specific reason for the O/I and the specific regulations supporting that reason.

FOR CDSS USE

DATE RECEIVED: May 13, 2015	DATE RESPONDED TO COUNTY/ALJ: May 14, 2015 JN
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